

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
3 SOUTHERN DIVISION

4 CATINA PARKER, as Personal
5 Representative of the Estate
6 of Leonard Parker, Jr.,
7 Deceased,
8 Plaintiff,

9 VERSUS CIVIL ACTION NO: 1:21-cv-00217-HSO-BWR

10 THE CITY OF GULFPORT, a
11 municipal corporation; JASON
12 CUEVAS in his individual and
13 official capacity; and JOHN
14 DOE OFFICERS #1 - 5 in their
15 official and individual
16 capacities,
17 Defendants.

18 VIDEOTAPED DEPOSITION OF JASON CUEVAS

19 Taken at the offices of Copeland, Cook,
20 Taylor & Bush, P.A., 200 East Beach
21 Boulevard, Building 5, Gulfport,
22 Mississippi, on Wednesday, June 14,
23 2023, beginning at 9:16 a.m.

24 REPORTED BY: F. DUSTY BURDINE, CSR #1171
25 MCCORKLE LITIGATION SERVICES, INC.

Exhibit 3



1 APPEARANCES:

2 REPRESENTING THE PLAINTIFF:

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13 REPRESENTING JASON CUEVAS:

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19 KELLY WOODS, MCCORKLE LITIGATION SERVICES
20
21
22
23
24
25



T-A-B-L-E O-F C-O-N-T-E-N-T-S

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STIPULATION

It is hereby stipulated and agreed by and between the parties hereto, through their respective attorneys of record, that this deposition may be taken at the time and place hereinbefore set forth, by F. Dusty Burdine, Court Reporter and Notary Public, pursuant to the Federal Rules of Civil Procedure, as amended;

That the formality of READING AND SIGNING is specifically NOT WAIVED.

- - -



1 A. I don't recall ever responding to that
2 address, no, ma'am.

3 Q. And any of the witnesses on scene, did
4 you recognize anyone that you believe you had met
5 before or seen before?

6 A. No, ma'am.

7 Q. And you were in uniform that night; is
8 that correct?

9 A. Yes, ma'am.

10 Q. Can you describe your uniform?

11 A. It's dark blue polyester pants with a
12 lighter blue stripe up the sides of the legs and
13 the outside of the legs and a short-sleeved
14 polyester top the same color as the pants with
15 patches and badge and name plate and all.

16 Q. Okay. Can you describe where the
17 patches are located?

18 A. On the outsides of the shirts.

19 Q. Do they identify you as a police
20 officer?

21 A. Yes, ma'am.

22 Q. What do they say?

23 A. Gulfport Police Department.

24 Q. And what color are the patches?

25 A. Trimmed in yellow and they have like



1 multicolors. They have blue. They've got a
2 little bit of green in there. All kinds of color.

3 Q. Is there anywhere on your uniform where
4 it says Police in letters right on the fabric?

5 A. Other than the patches, no, ma'am.

6 Q. And did you have a name tag or anything
7 like that on your uniform?

8 A. Yes, ma'am.

9 Q. Where was that located?

10 A. It's on the breast pocket, above the
11 breast pocket.

12 Q. Did you have -- on February 1st, 2020,
13 were you equipped with a body-worn camera?

14 A. Yes, ma'am.

15 Q. And where was that located?

16 A. It's mounted to the front of the shirt.

17 Q. Okay. Right in the middle of the chest?

18 A. Yes, ma'am.

19 Q. And how do you turn it -- well, strike
20 that.

21 Do you still have the same kind of
22 body-worn camera today?

23 A. No, ma'am.

24 Q. Okay. So back in February of 2020, how
25 did you turn on your body-worn camera if you



1 needed to use it?

2 A. There was multiple ways. The first of
3 which there was a wristwatch kind of deal that had
4 a button to activate the camera. You could also
5 pull the camera out of the shirt to then turn it
6 on from there to put back into the unit so it
7 would record, as well as there was an automated
8 system within the car that when blue lights and
9 sirens were activated once you opened the driver
10 door it would turn the body-worn camera on.

11 Q. Okay. And then did you also have a dash
12 camera?

13 A. Yes, ma'am.

14 Q. And how was that activated?

15 A. Either by the same method of the
16 body-worn camera or when you immediately turn the
17 blue lights on for the patrol vehicle, the cameras
18 would turn on.

19 Q. Okay. And generally speaking, when
20 would you activate your body-worn camera when
21 responding to a call?

22 A. Anytime you make citizen contact.

23 Q. Okay. So would it be fair to say that
24 you would turn it on if you were going to be
25 interacting with individuals?



1 A. Yes, ma'am.

2 Q. Did you have a duty belt or a vest on on
3 the date of the incident?

4 A. Yes, ma'am.

5 Q. And what was -- well, strike that.
6 Sorry.

7 which one, a vest or a belt?

8 A. Both.

9 Q. Both, okay. And was there any -- strike
10 that.

11 So where did you keep your firearm, on
12 your vest or your belt?

13 A. On my duty belt.

14 Q. On your duty belt?

15 A. Yes, ma'am.

16 Q. And what else was on your duty belt?

17 A. Two spare magazines, a can of Oleoresin
18 Capsicum spray, a Taser Model X2, a radio, a
19 flashlight, two sets of handcuffs, tourniquet and
20 an ASP baton as well as a firearm.

21 Q. Do you recall what firearm you were
22 carrying on the day of the incident?

23 A. Yes, ma'am.

24 Q. What was that?

25 A. A Glock 17 Generation 5.



1 Q. When you carry your Glock 17 in your
2 duty belt, was the safety on?

3 A. Glocks don't have a manual safety.

4 Q. Okay. They have an automatic safety; is
5 that right?

6 A. It's a -- I don't know how they define
7 it, actually. It's basically built into the
8 trigger.

9 Q. Do you recall if your magazine was full
10 on February 1st, 2020 before you discharged the
11 weapon on scene?

12 A. I'd be assuming. I didn't check it
13 before I went on shift that day.

14 Q. What kind of flashlight did you have?

15 A. It's a Streamlight. I don't remember
16 the model.

17 Q. Do you recall how big it was?

18 A. I guess just an average size flashlight.

19 Q. Okay. So I've seen a lot of police
20 officers carry a flashlight that's about the
21 length of the average person's forearm.

22 A. Oh, no, no, no.

23 Q. No, okay. So just a normal flashlight?

24 A. Yes, ma'am.

25 Q. Okay. You have a water bottle next to



1 you on the desk. Do you recall if the flashlight
2 was bigger or smaller than the water bottle?

3 A. Sorry.

4 MR. WHITFIELD:

5 Turn that cap on.

6 MS. RAVEENDRAN:

7 Q. I don't think that water bottle wants
8 you to turn it.

9 A. So I'd say it's probably about maybe
10 that long (indicating).

11 Q. So I'm going to say that you're holding
12 out what looks like about eight or nine inches
13 long?

14 A. I have no idea. It's a 16.9 ounce water
15 bottle.

16 Q. Okay. Just a little bigger than that
17 water bottle; is that fair?

18 A. Yes, ma'am.

19 MR. WHITFIELD:

20 It looks, at least in the room, Bhavani,
21 like it's about 12 to 14 inches long.

22 MS. RAVEENDRAN:

23 Okay.

24 MR. WHITFIELD:

25 Okay. The flashlight would be about 12



1 to 14 inches long.

2 MS. RAVEENDRAN:

3 Q. So is that correct, then, Officer
4 Cuevas, about 12 to 14 inches long the flashlight
5 is?

6 MR. WHITFIELD:

7 Let me do this for you. Here's an
8 eight-and-a-half-by-11 piece of paper. And what
9 he did is, he put his finger beyond the top of the
10 bottle about like that. Does that make sense?

11 MS. RAVEENDRAN:

12 Yes. Thank you.

13 Q. Now, I'm going to say for the record
14 that looks about 10 inches or so; is that fair?

15 A. Yes, ma'am.

16 MR. WHITFIELD:

17 Yeah.

18 MS. RAVEENDRAN:

19 Q. Do you recall what settings the
20 flashlight had?

21 A. I didn't hear you. I'm sorry.

22 Q. Sure. Do you recall what settings the
23 flashlight had?

24 A. It had an on and an off, a dim setting,
25 which when you turn the flash on, it's always on



1 the brightest setting. You actually have to hold
2 the button down for it to reduce the power. And
3 it also had a feature where if you double click
4 the activation button, it would go into a strobe
5 mode.

6 Q. And what did you use the strobe mode
7 for?

8 A. Typically to gain attention from people
9 to show that something was changing in their sight
10 to gather attention.

11 Q. Do you recall what you were doing before
12 you were informed that your presence may be
13 required at the scene of the incident?

14 A. I do not.

15 Q. Do you recall any of the other dispatch
16 calls or activities you were involved in on shift
17 before you responded to the scene of the incident?

18 A. No, ma'am.

19 Q. Okay. At some point do you recall
20 receiving a dispatch call that informed you there
21 was a potential disorderly to investigate?

22 A. Yes, ma'am.

23 Q. What do you recall -- strike that.

24 Do you recall if you received a dispatch
25 call, a call to your phone or information on the



1 computer or something like that?

2 A. It was through dispatch, through the
3 police radio.

4 Q. Okay. Does your vehicle have a computer
5 system?

6 A. Yes, ma'am, it did.

7 Q. Okay. And do you ever receive
8 information along with radio calls on that system?

9 A. Yes, ma'am.

10 Q. Do you ever recall viewing on the
11 computer system any information regarding this
12 call?

13 A. No, ma'am. I was so close to the call
14 that I didn't need to look at the MDT. I was able
15 to listen to dispatch.

16 Q. Do you remember where you were?

17 A. Exactly when the call came out, no,
18 ma'am.

19 Q. Do you remember the general area?

20 A. It was on the east -- the -- it's called
21 the eastern side of A3.

22 Q. What do you recall hearing when the
23 radio call came through?

24 A. They said there was a disorderly male at
25 a residence that was trying to fight people at the



1 residence who appeared to be intoxicated.

2 Q. And you were informed of one individual;
3 is that right?

4 A. Yes, ma'am.

5 Q. Were you given any description of what
6 the individual looked like?

7 A. I don't recall that I was actually given
8 the description by dispatch. I just remember they
9 said there was a -- they said 29 male -- a single
10 29 male, which means disorderly, and that -- I
11 think they even stated there were no weapons
12 involved from what dispatch received.

13 Q. Do you recall hearing the race of the
14 individual that you'd be investigating?

15 A. No, ma'am.

16 Q. And were you specifically assigned to
17 this call or did you know you were assigned to it
18 because of your location in A3?

19 A. I remember being assigned to the call
20 and -- because the officer that worked the
21 neighboring area, his area partner who rides in a
22 separate vehicle was at the station, so he would
23 have had to have responded by himself without
24 another officer.

25 Q. And did you have an area partner that



1 night?

2 A. Yes, ma'am. I had another officer that
3 worked in A3 with me.

4 Q. Okay.

5 A. Not in my vehicle.

6 Q. Oh, sorry. Who was that?

7 A. Officer Eddie Flores.

8 Q. Do you recall who the first officer who
9 responded to the scene was after the shooting
10 occurred?

11 A. Officer William Brewer.

12 Q. Do you know where Officer Brewer was
13 assigned that night?

14 A. I don't remember if he was assigned to
15 A5 or A6, but he was assigned to one of those two
16 areas.

17 Q. Do you ever recall seeing Officer Flores
18 on scene?

19 A. He was not there. I don't recall seeing
20 him.

21 Q. When you heard the dispatch call, do you
22 recall hearing whether or not Officer Flores was
23 assigned to the call as well?

24 A. I believe he was at the station at that
25 point, but I don't recall him being actually



1 dispatched to that call.

2 Q. Did you ask any follow-up questions or
3 get any additional information?

4 A. I did not ask any follow-up questions
5 and I don't recall getting any more information.

6 Q. Did you then travel to the scene?

7 A. Yes, ma'am.

8 Q. How long did that take you?

9 A. Not very long, like -- I couldn't give
10 you an exact number, like a time frame.

11 Q. Do you believe it was less than 10
12 minutes?

13 A. Yes, ma'am.

14 Q. Do you recall approximately how much
15 distance you traveled to get there?

16 A. I'd be guessing if I gave you a distance
17 on that one.

18 Q. Were you in the same neighborhood, if
19 you can recall?

20 A. Was I in the same neighborhood as what?

21 Q. As the scene.

22 A. No, ma'am.

23 Q. As you headed to the scene, do you
24 recall if you turned on your lights and sirens?

25 A. I did not turn on my lights or sirens.



1 Q. Do you remember why?

2 A. Because it didn't warrant a -- what we
3 would say a Code 2 response, which is activating
4 lights and sirens.

5 Q. And based on your experience, what is a
6 Code 2 response?

7 A. Typically like an accident involving
8 injuries, a person with a firearm, a person with a
9 knife, a shooting, an assault, murder, those kind
10 of calls.

11 Q. Okay. And then is there a code number
12 that would have applied to your response to the
13 scene?

14 A. Yes, ma'am. It would be Code 1.

15 Q. And can you describe what Code 1 is?

16 A. Driving the speed limit with no lights
17 or sirens activated.

18 Q. And what kind of calls warrant a Code 1
19 response?

20 A. It could be property crimes where
21 there's no suspect on the scene, non-violent
22 crimes where like emergency assistance wasn't
23 necessary at a quick pace.

24 Q. Okay. And would it be fair to say that
25 a drunken disorderly would be within the bounds of



1 Code 1?

2 A. Yes, ma'am.

3 Q. At any point before you got to the
4 scene, were you aware of any other units
5 responding as well?

6 A. The only other officer I knew that was
7 dispatched was Officer Brewer.

8 Q. And do you recall knowing whether or not
9 officer Brewer was assigned as the primary officer
10 on the scene or if he was a backup for you?

11 A. Typically they just assign multiple
12 officers to a call. They don't say which ones are
13 primary or backup.

14 Q. So what was your understanding of your
15 role when you arrived on scene?

16 A. To make initial contact with the
17 complainant.

18 Q. And where -- strike that.

19 Is it your understanding that you parked
20 east of the residence that you were sent to?

21 A. Yes, ma'am.

22 Q. Do you recall if you arrived from east
23 of the residence or west of the residence?

24 A. Like which direction I came in from?

25 Q. Yes.



1 left down 25th Street.

2 Q. Did you hear -- were the voices --
3 strike that.

4 Could you tell if the voices were
5 excited or if there was some conflict occurring?

6 A. It sounded like so because it was so
7 many people it sounded like were talking. It was
8 like multiple voices very loud.

9 Q. Could you make out any of the words that
10 were being said?

11 A. No, ma'am.

12 Q. And you said your driver's side window
13 was open?

14 A. Yes, ma'am.

15 Q. Do you recall if your passenger side
16 window was open?

17 A. I don't recall. I just know I rolled
18 down my driver's side window so I could hear
19 better.

20 Q. And as you turned onto 25th Street, do
21 you recall if your headlights were on?

22 A. I really don't know if they were on or
23 off.

24 Q. When you -- strike that.

25 Do you recall if your vehicle on



1 A. You said from my perspective, I could
2 see what?

3 MS. RAVEENDRAN:

4 Q. If you were able to see people, could
5 you tell if they were in a yard?

6 A. In a yard?

7 Q. Yes.

8 A. I knew they were in front of the house.

9 Q. Okay.

10 A. What I -- at that point I believe it was
11 210.

12 Q. Okay. So at that point did you head
13 straight to the house or did you do something else
14 first?

15 A. I was kind of watching to see what was
16 going on because of the commotion in case there
17 was, you know, someone fighting or anything to try
18 and gather information about the whole incident
19 and how to approach it.

20 Q. And while you were observing -- strike
21 that.

22 Did you make any observations of what
23 the individuals were doing and -- well, that's my
24 whole question.

25 A. I was able to observe a vehicle that was



1 slowly trying to back out of the driveway and
2 there were other people there that were watching
3 the vehicle as it was backing out.

4 Q. And was anyone outside of the vehicle
5 fighting as far as you could tell?

6 A. No, ma'am. I did not observe anyone
7 fighting outside the vehicle.

8 Q. Okay. Did you observe any of the
9 individuals outside of the vehicle helping to
10 direct the vehicle?

11 A. I don't recall seeing anyone direct the
12 vehicle.

13 Q. Is there anything specific you recall
14 about who was -- well, strike that.

15 Can you describe any of the people that
16 were outside of the vehicle?

17 A. I just -- I could see figures because of
18 how far away it was. I could just see individual
19 figures in the yard. I couldn't actually tell
20 what they truly looked like.

21 Q. Okay. Could you tell what they were
22 wearing?

23 A. No, ma'am.

24 Q. Okay. Was there light shining on the
25 individuals outside of the vehicle from the house



1 driveway; is that what you're asking me?

2 MS. RAVEENDRAN:

3 Q. It would have been north. All right.

4 Let me start over.

5 A. I'm sorry.

6 Q. So once you had parked, you got out of
7 the vehicle, right?

8 A. Uh-huh. Yes, ma'am. Sorry.

9 Q. Okay. And would it be fair to say that
10 you had to walk west on 25th to get around your
11 vehicle and then you went towards the driveway to
12 the right?

13 MR. WHITFIELD:

14 Object to the form.

15 A. I walked west from my parked vehicle and
16 went to the north side of the road towards that
17 mailbox.

18 MS. RAVEENDRAN:

19 Q. Okay. And when you were looking at the
20 mailbox, you were on the driveway already?

21 MR. WHITFIELD:

22 Object to the form.

23 A. I couldn't recall if I was actually on
24 the driveway when I was looking at the mailbox
25 because I don't know how wide it was. I know that



1 standing on the driveway of the house with the
2 white mailbox in the grass or on 25th Street?

3 A. I don't know if I was on the asphalt or
4 the grass. I know I was between the distance from
5 my car actually to the mailbox because I was
6 walking pretty much aligned to that mailbox when I
7 first saw it backing out.

8 Q. Okay. Can you describe the GMC, what
9 you remember seeing of that vehicle?

10 A. I saw a dark colored truck, like a
11 full-size truck.

12 Q. Did you notice how big the cab was?

13 A. I couldn't tell you if it was like a
14 four door or if it was an extended cab at the time
15 when I first saw it.

16 Q. You said that you observed the GMC
17 backing out of the driveway and strike a mailbox;
18 is that right?

19 A. Yes, ma'am.

20 Q. Can you describe the mailbox, color,
21 size, anything like that?

22 A. I couldn't tell you the color. I just
23 know -- because it was so dark. I just -- I could
24 audibly hear the sound of the impact and visually
25 see it hitting the mailbox. I could just see the



1 shape of it, like a silhouette.

2 Q. And did you observe whether the mailbox
3 moved?

4 A. Yes, ma'am.

5 Q. What did you observe the mailbox doing?

6 A. When it was struck by the vehicle, it
7 appeared to have been pushed back, like leaning
8 back more than it was before it was hit.

9 Q. Okay. Did it fall over completely?

10 A. No, ma'am.

11 Q. Could you tell if the mailbox was pushed
12 into the ground -- well, strike that. Before the
13 vehicle struck the mailbox, could you tell if the
14 mailbox -- strike that also.

15 At any point while you were on scene,
16 did you observe if the mailbox that the GMC struck
17 was pushed into the ground or on a cement block of
18 some kind?

19 A. I was too far away to --

20 MR. WHITFIELD:

21 Object to the form.

22 COURT REPORTER:

23 You've got to repeat your answer,
24 please.

25 THE WITNESS:



1 I was too far away to be able to see how
2 it was mounted or how it was positioned in the
3 ground. I just could see that it was there.

4 MS. RAVEENDRAN:

5 Q. Okay. At any point while you were on
6 scene, did you go look at the mailbox that the GMC
7 struck?

8 A. No, ma'am.

9 Q. Can you describe the sound you heard
10 when the GMC hit the mailbox?

11 A. It was just like the sound of contact.
12 I don't know really -- other than to say like
13 something hitting something, like a vehicle
14 hitting something.

15 Q. Did you hear the sound of any glass
16 breaking?

17 A. I don't remember hearing glass breaking.

18 Q. And do you recall hearing any sound of
19 something shattering on the vehicle?

20 A. I don't really -- I don't remember
21 hearing anything shatter.

22 Q. How -- strike that.

23 Could you tell how fast the GMC was
24 going when it backed out of the driveway and
25 struck the mailbox?



1 A. When it was backing out of the driveway,
2 it was going fairly slow because it looked like it
3 was having to maneuver around maybe other vehicles
4 or something. So it was going relatively slow to
5 be able to maneuver through all the -- whatever
6 was in the yard.

7 Q. Were there cars in there?

8 A. Of 210 25th Street, yes, ma'am.

9 Q. Could you tell -- well, strike that.

10 Did the GMC start at the top of the
11 driveway for 210 25th Street or was it somewhere
12 down the driveway?

13 MR. WHITFIELD:

14 Object to the form.

15 MR. BRUNI:

16 Same objection.

17 A. When I saw it, it was -- I don't know
18 where the top of the driveway started, but it was
19 like -- there was a couple of cars that were
20 parked east of it in the yard, and then the truck,
21 I could just see it slowly backing out. It was
22 like past the chain-link fence, or whatever fence
23 they had there at the south part of the residence,
24 the yard. And it was slowly backing out from
25 there until it got past the chain-link and



1 continued on until it hit the mailbox.

2 MS. RAVEENDRAN:

3 Q. Have you ever received any information
4 that made you believe that the GMC was parked in
5 the grass?

6 A. Of 210, like where it was parked there?

7 Q. Yes.

8 A. No, ma'am. I didn't receive any
9 information.

10 Q. When you first saw the GMC, it was
11 already moving; is that right?

12 A. Yes, ma'am.

13 Q. So you never saw where it was parked; is
14 that fair?

15 A. Correct.

16 Q. Once the GMC made contact with the
17 mailbox on the south side of the street, did you
18 see the GMC stop?

19 A. Yes, ma'am, it stopped. As soon as it
20 hit the mailbox, it came to a stop.

21 Q. Okay. And then did you at some point
22 see the reverse lights go off?

23 A. Yes, ma'am.

24 Q. Do you remember if that was before or
25 after it made contact with the mailbox?



1 A. It was after because the vehicle had
2 stayed stationary. For a second, I actually
3 believed that the driver was gonna get out to
4 check the damage. That's why I went to make
5 contact with the vehicle.

6 Q. Okay. So you saw that the vehicle had
7 stopped at that point?

8 A. Yes, ma'am.

9 Q. Okay. Did you see brake lights on the
10 GMC after the reverse lights went off?

11 A. I could see the reflection like off of
12 the actual mailbox. That's how I was able to see
13 the reverse lights as well. Because it was so
14 close to the mailbox, I could see the white light.
15 And then when the white light turned off, that's
16 how I knew the reverse lights were off.

17 Q. Okay. And then did you see any red
18 lights reflecting off the mailbox after the
19 reverse lights turned off?

20 A. Yeah. I couldn't tell if it was the
21 brake lights or if it was just the running lights.

22 Q. Did you observe if the GMC had its
23 headlights on?

24 A. Yes, ma'am, it did.

25 Q. Okay. And at the time the GMC made



1 Object to form.

2 A. It was more or less trying to maneuver
3 its way down it looked like the middle of 25th
4 Street coming eastbound.

5 MS. RAVEENDRAN:

6 Q. Did you continue walking when you saw
7 the vehicle turn eastbound?

8 A. Yeah. 'Cause at the point that I saw
9 the vehicle leaving, I assumed that the vehicle
10 was just going to slow roll up to me so I could
11 make contact with the driver, since I was already
12 illuminating the truck to let them know that I was
13 there and to stop the vehicle. So I was still
14 kind of coming up to where they would see me so I
15 could make contact with the driver.

16 Q. Where were you when you started -- well,
17 strike that.

18 Can you describe what you were doing
19 with the flashlight again?

20 A. Yes, ma'am. So initially I had it in
21 the just on mode so it was at its highest power
22 and on shinning at the vehicle once I saw it
23 leaving from the mailbox. Because I believed at
24 that point he committed the misdemeanor crime of
25 leaving the scene of an accident causing property



1 damage.

2 So as I went to make contact with the
3 vehicle, as it kept slow rolling, I activated it
4 -- activated the strobe function to illuminate and
5 show that there was a visible change in the
6 drivers's vision so that they would be alerted to,
7 oh, there's something in my path or to the left of
8 my path so that I could -- that they would see me.

9 Q. When did you first raise your flashlight
10 up to point it at the GMC?

11 A. As soon as it was leaving from the
12 mailbox.

13 Q. And where were you located at the moment
14 that you pulled your flashlight up to illuminate
15 the GMC?

16 A. I was toward the center of 25th Street.

17 Q. And where was the GMC at that point?

18 A. It was coming eastbound. It had just
19 pulled out from the mailbox and gotten
20 straightened up on the road.

21 Q. When did you turn on the strobe
22 function?

23 A. Once it actually made it straight onto
24 25th Street and continued, that's when I started
25 the strobe function on the flashlight.



1 southbound, why didn't you change your direction
2 to move northbound?

3 MR. WHITFIELD:

4 Object to the form. I objected to the
5 form. That's all I did.

6 THE WITNESS:

7 okay.

8 MR. WHITFIELD:

9 If you can answer the question, answer
10 the question.

11 A. Because I had already tried to take the
12 path to get out of the vehicle's pathway, which I
13 figured seeding the road to the vehicle would be
14 the smartest option, so that I would get out of
15 the roadway so the vehicle could travel down the
16 roadway. And if I would have went back north I
17 would have been more in the roadway than I was if
18 I would have just continued a little bit more
19 south to get out of the roadway.

20 MS. RAVEENDRAN:

21 Q. And if we can go back to when you
22 removed -- strike that.

23 when you first took your firearm out, do
24 you recall if you were to one of the sides of the
25 vehicle or in front of the vehicle?



1 A. No. I was more in front of the vehicle.

2 Q. Were you directly in front of the
3 vehicle, closer to the passenger side or the
4 driver's side, if you know?

5 A. I was like directly in front of the
6 vehicle, like where basically the logo is on the
7 front of the truck.

8 Q. At some point did you turn on your
9 weapon light?

10 A. Yes, ma'am. When I immediately pulled
11 it out, that's when I activated my weapon light.

12 Q. After you backpedaled, what happened?

13 A. I observed the vehicle continuing to
14 follow me towards the roadway, at which point I --
15 after I had given the verbal commands and the
16 vehicle continued to follow me, I discharged my
17 firearm three times.

18 Q. Where were you standing when you
19 discharged your firearm?

20 A. Directly in front of the truck.

21 Q. Were you in the grass, were you on the
22 road, if you recall?

23 A. Well, I discharged it three times as I
24 was moving, so I couldn't tell you exactly where I
25 was for each one of them. I just remember I was



1 continuing to move as I was discharging my weapon.

2 Q. Okay. So you -- strike that. When you
3 discharged your first -- strike that.

4 When you first fired your weapon, were
5 you directly in front of the GMC?

6 A. Yes, ma'am.

7 Q. And then you moved towards the passenger
8 side of the GMC; is that right?

9 A. I moved southward, like directly -- not
10 towards the passenger of the vehicle. I wasn't
11 going towards the vehicle. I was going directly
12 south of where I was, basically backpedaling to
13 the south of the road.

14 Q. Okay. And you discharged three times;
15 is that right?

16 A. Yes, ma'am.

17 Q. Could you mark with a number "4" where
18 you discharged for the third time?

19 A. I don't know if it's going to fit on
20 there.

21 MR. WHITFIELD:

22 Yeah. The -- I guess he could put it
23 down there, but, Bhavani, look at the dilemma that
24 he's in because there's just really no space to
25 really put it in there. I guess you could make an



1 I don't believe I'm going to show
2 anything else that needs to be marked.

3 MR. WHITFIELD:

4 Okay. Great. Thank you. So we'll go
5 off com.

6 VIDEO TECHNICIAN:

7 This is the videographer. We are going
8 off the record at 11:57.

9 (Off the record.)

10 VIDEO TECHNICIAN:

11 We are going back on the record at
12 12:08.

13 MS. RAVEENDRAN:

14 Q. Officer Cuevas, I don't have that much
15 more for you. I'll probably get us out of here by
16 12:30 unless the other lawyers have questions.
17 Once the GMC -- strike that.

18 Going back to right after you discharged
19 your third shot, once the GMC stopped, did it roll
20 forward or move at all?

21 A. It was kind of like -- I don't know if
22 you've ever seen what a vehicle looks like you
23 when you throw it in park while you're driving and
24 it kind of does this number. Like it stays in
25 position, but you can see the body like rock



1 forward because it's in a sudden abrupt stop.

2 Q. Did you observe whether the car was in
3 park?

4 A. I have no idea if it was in park or not.
5 I just knew it was stationary.

6 Q. Okay. So you were just saying that it
7 looked like when you throw a car in park --

8 A. Yeah. Like it was -- it just stopped.

9 Q. Okay. Would it be fair to say that when
10 you arrived on scene you felt as though you were
11 safe to get out of your vehicle and approach 210?

12 A. Yes, ma'am. At the time I didn't
13 perceive any threat when I exited my vehicle.

14 Q. Okay. And at the time that you saw the
15 GMC make contact with the mailbox on the south
16 side of the street, you had assessed that it was
17 safe to approach the GMC?

18 A. Yes. Because it come to a stop after it
19 hit the mailbox, so I deemed it was safe to
20 approach the vehicle.

21 Q. Okay. And then when you first walked
22 into the street towards the GMC, had you assessed
23 that it was safe to walk into the street at that
24 time?

25 A. Yes, ma'am.



CERTIFICATE OF COURT REPORTER

I, F. DUSTY BURDINE, Court Reporter and Notary Public, in and for the County of Harrison, State of Mississippi, hereby certify that the foregoing pages, and including this page, contain a true and correct transcript of the testimony of the witness, as taken by me at the time and place heretofore stated, and later reduced to typewritten form by computer-aided transcription under my supervision, to the best of my skill and ability.

I further certify that I placed the witness under oath to truthfully answer all questions in this matter under the authority vested in me by the State of Mississippi.

I further certify that I am not in the employ of, or related to, any counsel or party in this matter, and have no interest, monetary or otherwise, in the final outcome of the proceedings.

witness my signature and seal, this the _____ day of _____, 2023.

F. Dusty Burdine, CSR #1171
My Commission Expires 4/22/25



ERRATA SHEET

I, _____, do solemnly
swear that I have read the foregoing _____ pages
of the testimony given by me at the time and place
hereinbefore set forth, with the following
corrections:

Page:	Line:	Correction:	Reason for Change:
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Witness Signature

Sworn to and subscribed
by me, this _____ day of
_____, A.D., 2023.

Notary Public, State of Mississippi,
County of _____.

My Commission Expires:

